

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 08-2447 JB

EDUARDO RODRIGUEZ-LOPEZ,

Defendant.

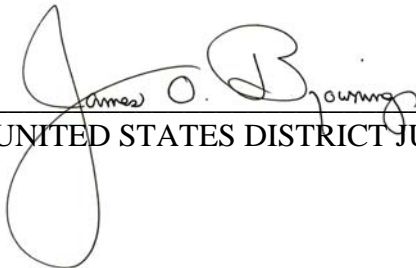
**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court on: (i) the Defendant's Motion to Dismiss for Violation of Right to Speedy Trial, filed August 30, 2010 (Doc. 87)("Motion"); (ii) United States' Response to Defendant's Motion to Dismiss for a Violation of His Right to a Speedy Trial, filed September 14, 2010 (Doc. 91); and (iii) the Defendant's Reply to Response to Motion to Dismiss for Violation of Right to Speedy Trial and Request to Supplement, filed September 20, 2010 (Doc. 93). The Court held a hearing on September 16, 2010. The primary issue is whether the Court should dismiss the charge against Defendant Eduardo Rodriguez-Lopez with prejudice, on the ground that he was not brought to trial in conformity with the deadlines established by 18 U.S.C. § 3162.

At the September 16, 2010 hearing, Rodriguez-Lopez represented that the Court should dismiss and vacate his Motion as moot if the Court denied Plaintiff United States of America's request in the Letter from Marty C. Anderson, Warden, United States Medical Center Federal Prison Springfield to the Court (dated June 30, 2010), filed July 14, 2010 (Doc. 84)("Request"), to return Rodriguez-Lopez to the Federal Medical Center in Springfield, Illinois, for further treatment to

restore him to competency. See Transcript of Hearing at 41:22-42:5 (taken September 16, 2010)(Court, Converse).<sup>1</sup> The Court denied the Request in its Memorandum Opinion and Order, filed September 22, 2010 (Doc. 94). Consequently, the Court now denies Rodriguez-Lopez' Motion as moot.

**IT IS ORDERED** that the Defendant's Motion to Dismiss for Violation of Right to Speedy Trial, filed August 30, 2010 (Doc. 87), is denied as moot.



UNITED STATES DISTRICT JUDGE

*Counsel:*

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<sup>1</sup> The Court's citations to the transcript refer to the court reporter's original, unedited version. Any final transcript may contain slightly different page and/or line numbers.